

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.10844 of 1997

Dated:17.08.2006

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Between:

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P.Sivasankara Reddy.

...Petitioners

and

The Mandal Revenue Officer, Renigunta Mandal, Chittoor District, and
others.

...Respondents

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.10844 of 1997

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ORDER:

The petitioner is allegedly resident of Venkatapuram Village, Renigunta Mandal in Chittoor District. He claims to be landless and poor person. On an application made by him, the Mandal Revenue Officer, Renigunta, issued proceedings dated 30.10.1986 granting lease of land admeasuring Ac.1.50 cents in Survey No.261 for the purpose of planting 'green manure trees'. The petitioner alleges that he took possession of the property and obtained agricultural loan from Vedallacheruvu Primary Agricultural Co-operative Society. He was allegedly in occupation of the land for about eleven years. Nonetheless, the first respondent tried to encroach into the land under the possession of the petitioner for laying a connecting road. Therefore, he filed a suit, being O.S.No.660 of 1989 on the file of the Court of the I Additional District Munsif, Tirupathi, for permanent injunction, which was decreed. As a regular assignment was not made even thereafter, the petitioner filed the instant Writ Petition seeking a writ of mandamus directing the respondents to consider the case of the petitioner for assignment of the land in Survey No.261.

In the counter affidavit filed by the Mandal Revenue Officer, Renigunta, the allegation that the petitioner was assigned

lease/licence of land in Survey No.261 for planting green manure trees is admitted. However, it is stated that subsequently, the licence granted under Board Standing Order 19-B was cancelled as the land in Survey No.261 is full of water and is classified in revenue records as water body having Ayacut of Acs.192.56 cents. The petitioner without challenging the cancellation order, filed the Writ Petition after considerable delay to get the land which is adjoining the bypass road.

The petitioner has not filed any reply affidavit and therefore, the counter averments remain uncontroverted. Be that as it is, when the land in Survey No.261 is classified as tank poramboke (water body) having Ayacut of Acs.192.56 cents, the initial grant of lease under Board Standing Order No.19 itself is improper and illegal. As held by the Supreme Court in **Hinch Lal Tiwari v. Kamala Devi**^[1] and this Court in **The Water Users Association, Thimmaya Gari Pale Cheruvu Tank v. Government of Andhra Pradesh** (W.P.No.20323 of 2000, dated 06.02.2002), the assignment of land forming water body is prohibited. Therefore, this Court does not see any illegality. If the petitioner is landless and poor person, he may approach the Mandal Revenue Officer for assignment of suitable land for agriculture. In this Writ Petition no relief can be granted.

The Writ Petition is accordingly dismissed. No costs.

(V.V.S.RAO, J)

17.08.2006
vs

^[1] (2001) 6 SCC 496 = AIR 2001 SC 3251